

E-Filed 6/26/2007

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RLI INSURANCE COMPANY, an Illinois
corporation

Plaintiff,

v.

CASTLE ROCK INDUSTRIES, INC., dba
SEQUOIA CONSTRUCTION COMPANY,
a California corporation; LEWIS C. NELSON &
SONS, a California corporation and DOES 1
through 10,

Defendants.

Case Number C 06-5904 JF

ORDER¹ RE DEFENDANTS'
REQUEST FOR DISCOVERY

Plaintiff RLI Insurance Company ("RLI") has filed a motion for partial summary judgment on the issue of whether RLI's rescission of certain insurance policies issued to Defendant Castle Rock Industries, Inc. d.b.a. Sequoia Construction Company ("Sequoia") applies to Defendant Lewis C. Nelson & Sons, Inc. ("LCN") as an additional insured under the Sequoia policies. In support of its opposition to RLI's motion, LCN has filed two declarations. As part

¹ This disposition is not designated for publication and may not be cited.

1 of its reply, RLI has objected to the declarations as irrelevant. RLI's Motion to Strike, pg. 3.
2 RLI asserts that its motion for partial summary judgment is based purely on a question of law,
3 that is, whether its rescission of the Sequoia policies is effective as to additional insureds.

4 In response to RLI's evidentiary objections, LCN has filed a motion before Magistrate
5 Judge Seeborg seeking discovery in this matter pursuant to Federal Rule of Civil Procedure 56(f)
6 ("Rule 56(f)"). LCN requests that its Rule 56(f) motion be heard before or in conjunction with
7 the hearing for RLI's motion for partial summary judgment. That hearing is scheduled for June
8 29, 2007.

9 Good cause therefore appearing, the Court hereby advises the parties that it will consider
10 LCN's Rule 56(f) motion in conjunction with RLI's motion for summary judgment at the June
11 29, 2007 hearing.

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13 IT IS SO ORDERED.

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15 DATED: June 26, 2007

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18 JEREMY FOGEL
19 United States District Judge
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1 This Order has been served upon the following persons:

2 Douglas B. Allen burnettburnettallen@yahoo.com

3 Laura L. Goodman laura.goodman@sdma.com, antonia.bereal-lee@sdma.com,
4 jamison.narbaitz@sdma.com, jonathan.fineman@sdma.com,
5 sdmacalendaring@sdma.com

6 Julia Ann Molander julia.molander@sdma.com

7 Alexander F. Stuart afs@wsblaw.net, cna@wsblaw.net, csc@wsblaw.net, jay@wsblaw.net

8 Erin Joy Volkmar erin.volkmar@sdma.com

9 Clinton Stevens Coddington
10 Willoughby Stuart and Bening Inc.
11 50 W. San Fernando #400
12 San Jose, CA 95113

13 Bruce H. Winkelman
14 Craig and Winkelman
15 2001 Addison Street, Suite 300
16 Berkeley, CA 95704